

DOCKET NO.: FST-CV-15-5014808-S)	SUPERIOR COURT
)	
WILLIAM A. LOMAS)	JUDICIAL DISTRICT OF
)	STAMFORD/NORWALK
Plaintiff,)	
)	
v.)	AT STAMFORD
)	
PARTNER WEALTH MANAGEMENT, LLC,)	
KEVIN G. BURNS, JAMES PRATT-HEANEY,)	
WILLIAM P. LOFTUS)	
)	AUGUST 25, 2016
Defendants.)	

PLAINTIFF’S MOTION FOR AN IMMEDIATE STATUS CONFERENCE

Plaintiff, William A. Lomas (“Lomas”) hereby moves for an immediate status conference to discuss the schedule for pre-trial deadlines in this case, as well as the scheduling of jury selection and trial, presently set for November 9, 2016. While the parties are awaiting this Court’s decision on Defendants’ Motion to Strike, they have been conducting fact discovery, including written discovery and depositions. Lomas has conducted a significant portion of his discovery related to Defendants’ draft, unfiled counterclaim. If Defendants file their counterclaim, Lomas will then have the right to attack it through motion practice before this Court, including the right to move for summary judgment. Based upon the foregoing, it is clear that the pretrial deadlines and November 2016 trial date are unrealistic and cannot be maintained.

In support of this motion, Lomas states the following:

1. Lomas commenced this action in June 2015, seeking to recover in excess of \$4 Million due to him per the terms of the limited liability company agreement (the “Agreement”) governing his withdrawal from the defendant, Partner Wealth Management, LLC. The gravamen

of Lomas' complaint, as amended, is that the Defendants have intentionally, wrongfully and willfully withheld this money in breach of their contractual and fiduciary obligations.

2. From mid-December 2015 through January 2016, the parties engaged in settlement discussions that nearly resolved this matter. When the discussions broke down, Defendants retained new counsel and discovery resumed.

3. On January 29, 2016, Defendants filed a Motion to Strike the Amended Complaint. Lomas filed his Opposition on March 28, 2016. The Court heard oral argument on May 9, 2016. A ruling is pending.

4. On May 27, 2016, Defendants' counsel sent Lomas' counsel a letter stating that discovery previously withheld was now relevant to the lawsuit and should be produced. The basis for Defendants' novel assertion was a "draft" unsigned and unfiled answer and counterclaim purporting to allege that Lomas failed to perform under the Agreement and breached the non-solicitation covenants therein.

5. This Court ordered discovery to proceed on the "draft" counterclaim even though it was not of record. The parties then agreed to a schedule for taking fact witness depositions that included Plaintiff Lomas' deposition on July 18, 2016 and Defendant Burns' deposition on July 19, 2016. Both depositions have commenced, but neither has been completed. Additional depositions of the remaining individual defendants (James Pratt-Heaney and William Loftus), Jeff Fuhrman and the second day of depositions for Plaintiff Lomas and Defendant Burns are scheduled for August 25, 2016 through August 31, 2016.

6. Defendants have repeatedly indicated that after this Court rules on the Motion to Strike, they intend to file the draft counterclaim. Lomas will then be entitled to file appropriate motions directed at limiting Defendants' claims, including for summary judgment. The timeline

for responding to those motions, serving reply briefs, argument and the Court's decision(s), will necessarily affect the currently scheduled trial date. Lomas hoped to avoid this outcome, but he and his counsel have been unable to do so. In any event, Lomas cannot be deprived of his right to challenge an as yet unfiled counterclaim before it has an opportunity to go the jury.

7. Both parties have been diligently attempting to move forward with discovery in view of the trial date set by the Court, but less than three months remain within which to complete the depositions and obtain all necessary fact discovery, conduct expert discovery, close the pleadings and file any motions in response to Defendants' answer and potential counterclaim, including summary judgment motions.

8. Since the trial date has become impractical, as set forth above, Lomas requests an immediate status conference to address the timeline for the fair and efficient adjudication of this case.

WHEREFORE, Lomas respectfully requests that the Court schedule an immediate status conference to address scheduling in this matter.

THE PLAINTIFF,
WILLIAM A. LOMAS

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CERTIFICATE OF SERVICE

This is to certify that on August 25, 2016, a copy of the foregoing was served by e-mail and first class mail, postage prepaid, to all counsel of record as follows:

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